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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NERY UBALDO SANTOS ZACARIAS,

Plaintiff,

v.

KIKA SCOTT,¹ Acting Director, United States
Citizenship and Immigration Services, *et al.*,

Defendants.

C 5:24-cv-08993-SVK

**STIPULATION TO STAY PROCEEDINGS;
~~[PROPOSED]~~ ORDER**

The parties, through their attorneys, hereby stipulate and respectfully request the Court to stay proceedings in this case for a limited time, until July 18, 2025. The parties make this joint request because they are pursuing an administrative resolution that may render further litigation of this case unnecessary.

1. Plaintiff filed this mandamus action seeking adjudication of his Form I-589, Application for Asylum and Withholding of Removal. United States Citizenship and Immigration Services (“USCIS”) scheduled an interview for March 20, 2025. USCIS will work diligently towards completing adjudication of the I-589 application, absent the need for further adjudicative action or unforeseen

¹ Kika Scott is automatically substituted as the defendant in this matter in accordance with Federal Rule of Civil Procedure 25(d).

1 circumstances that would require additional time for adjudication. If USCIS needs to reschedule
 2 Plaintiff's interview, USCIS will do its best to do so within four weeks of the currently scheduled
 3 interview date, absent unforeseen or exceptional circumstances.

4 2. Plaintiff agrees to submit all supplemental documents and evidence to USCIS seven to
 5 ten days prior to the agreed upon scheduled interview. Plaintiff recognizes that failure to submit these
 6 documents seven to ten days prior to the interview may result in the interview being rescheduled at no
 7 fault of USCIS.

8 3. If needed by Plaintiff or his dependent(s), Plaintiff shall bring his own interpreter to his
 9 asylum interview. See [https://www.uscis.gov/newsroom/alerts/affirmative-asylum-applicants-must-](https://www.uscis.gov/newsroom/alerts/affirmative-asylum-applicants-must-provide-interpreters-starting-sept-13)
 10 [provide-interpreters-starting-sept-13](https://www.uscis.gov/newsroom/alerts/affirmative-asylum-applicants-must-provide-interpreters-starting-sept-13). Plaintiff recognizes that failure to bring an interpreter to his
 11 interview may result in the interview being rescheduled at no fault of USCIS.

12 4. Upon receipt of the Asylum Office's decision, Plaintiff agrees to voluntarily dismiss the
 13 case.

14 5. The parties agree to bear their own litigation costs and attorney fees.

15 Accordingly, the parties stipulate and request that the proceedings in this case be stayed until
 16 July 18, 2025, at which time the parties will file a joint status report with the Court. At that time, the
 17 parties may request a further continuance of the stay of proceedings, dismissal of the litigation if
 18 appropriate, or placement of the case back on the Court's active docket. A stay of proceedings in this
 19 case will benefit the parties and conserve the Court's resources while the parties pursue a potential
 20 administrative resolution.

21
 22 Dated: February 18, 2025

Respectfully submitted²,

23 PATRICK D. ROBBINS
 24 Acting United States Attorney

25 s/ Elizabeth Kurlan
 26 ELIZABETH D. KURLAN
 Assistant United States Attorneys
 Attorneys for Defendants

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 28 ² In accordance with Civil Local Rule 5-1(i)(3), the filer of this document attests that all signatories
 listed herein concur in the filing of this document.

1 Dated: February 18, 2025

2 s/ Jessica Arena
3 JESSICA T. ARENA
4 Law Office of Jessica T. Arena

5 ~~PROPOSED~~ ORDER **AS MODIFIED**

6 This action is **STAYED**. The Parties shall file a joint status report by July 18, 2025, and shall
7 **immediately** update the Court if the March 20, 2025 interview is canceled or delayed.

8 Date: February 19, 2025

9 Susan van Keulen
10 HON. SUSAN VAN KEULEN
11 United States Magistrate Judge
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